

## **REMARKS**

The Office Action of January 2, 2009, has been reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 3-5, 13, 15-17, 25, and 32-33 have been amended. Claims 35-40 have been added. No new matter has been added. Claims 1-27, 30-40 remain pending in this application.

### **Rejections under 35 U.S.C. § 102**

Claims 1, 13 and 25 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over U.S. Patent No. 6,925,650 to Arsenault et al. ("Arsenault"). Applicant respectfully traverses.

Amended claims 1 and 13 recite, *inter alia*,

determining a first number of block instances available to a viewer in an interactive three-dimensional programming guide (IPG); determining a second number of available information attribute sets to be presented to the viewer; determining whether the first number is greater than the second number; in response to determining that the first number is greater than the second number, choosing a first mapping technique of at least three mapping techniques.

Arsenault fails to teach or suggest such features. Arsenault, at best, compares searched keywords with segments to determine whether the segments contain the keywords. See e.g., col. 2, lines 19-24. Significantly, Arsenault fails to contemplate the features of determining a first number of block instances available and a second number of available information attribute sets as recited in claim 1. Indeed, Arsenault performs the same routine regardless of the respective numbers of the searched keywords and counting number of segments because Arsenault compares *each* keyword to the content of *each* segment. See col. 2, line 63-col. 3, line 2. That is, Arsenault has no need to obtain the numbers of keywords and segments because such information is irrelevant to Arsenault's system of comparing keyword *content* to segment *content* to determine whether the keyword matches the content. As such, Arsenault at least fails to teach or suggest the feature of determining a first number of block instances available to a viewer in an interactive three-dimensional programming guide (IPG) and determining a second number of available information attribute sets to be presented to the viewer as recited in claims 1 and 13.

Moreover, Arsenault fails to describe determining whether the first number is greater than the second number; and in response to determining that the first number is greater than the second number, choosing a first mapping technique of at least three mapping techniques, as recited in claims 1 and 13. In stark contrast, Arsenault maps *every* keyword to *every* segment that contains the keyword *regardless* of whether the first number of block instances is greater than the second number of available information attribute sets, much less, choosing a first mapping technique of at least three corresponding mapping techniques based on the determination as recited in claims 1 and 13. See col. 2, line 63-col. 3, line 2. As such, claims 1 and 13 are distinguishable from Arsenault for at least these reasons.

Claim 25 recites, *inter alia*,

wherein a first number of available block instances is compared with a second number of available data elements to determine whether the first number is greater than the second number, and wherein based on the determination, a first mapping technique of at least three display techniques is chosen, wherein the active data elements are displayed in visible block instances in an interactive three-dimensional programming guide (IPG), and wherein the visible block instances are displayed contiguously in accordance with the chosen display technique

Such features of claim 25 are similar to the distinguishing features of claims 1 and 13 discussed above. As such, claim 25 is patentably distinct from Arsenault for reasons similar to those discussed above with respect to claims 1 and 13.

### **Rejections under 35 U.S.C. § 103**

Claims 2-5, 10-11, 14-17, 22-23, 26-27, 29<sup>1</sup> and 30-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arsenault in view of U.S. Patent No. 5,880,768 to Lemmons et al. ("Lemmons"). Claims 6-7, 12, 18-19, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arsenault in view of U.S. Patent No. 6,481,011 to Lemmons ("Lemmons011"). Claims 8-9 and 20-21 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Arsenault in view of Lemmons011 and in further view of U.S. Patent No. 6,732,367 to Ellis et al. ("Ellis"). Claims 32-33 stand rejected under 35 U.S.C. § 103(a) as being

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<sup>1</sup> Claim 29 has been previously cancelled without prejudice or disclaimer. As such, applicant assumes the inclusion of claim 29 in the Office Action rejection is merely a clerical error.

unpatentable over Arsenault in view of Lemmons011, further view Ellis, and in further view of U.S. Patent No. 6,754,906 to Finseth et al. ("Finseth"). Claim 34 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Arsenault in view of Finseth. Applicant respectfully traverses.

Claims 2-5, 10-11, 14-17, 22-23, 26-27 and 30-31 depend from claims 1, 13 and 25, respectively, and are allowable for at least the same reasons as their respective base claims, and further in view of the additional novel and non-obvious features recited therein. Lemmons fails to cure the deficiencies of Arsenault with respect to claims 1, 13 and 25.

More particularly, Lemmons at least fails to teach or suggest determining whether the first number is greater than the second number, and in response to determining that the first number is greater than the second number, choosing a first mapping technique of at least three mapping techniques. Indeed, Lemmons fails to teach or suggest three mapping techniques, let alone choosing a first mapping technique of at least three mapping techniques based on whether the first number of block instances is greater than the second number of available information attribute sets.

As such, Lemmons fails to cure the deficiencies of Arsenault. Even assuming, but not conceding that a combination of Arsenault and Lemmons is proper, such a combination would have failed to result in the features of claims 1, 13 and 25. Therefore, claims 2-5, 10-11, 14-17, 22-23, 26-27 and 30-31 are allowable over the cited combination of references.

For example, claim 3 and 15 recite, *inter alia*,

wherein *only* when the first number (of available block instances) is greater than the second number (of available information attributes), two or more block instances are mapped with the same information attributes

(Emphasis Added). The Action interprets "available information attributes" as the search criteria of Lemmons and "block instances" as the listed programs of Lemmons. However, without acquiescing to the propriety of such an interpretation, Lemmons fails to show that the two or more block instances are mapped with the same information attributes *only* when the first number of block instances is greater than the second number of available information attributes as recited in claims 3 and 15. When reading Lemmons in context, the programs are mapped to their ratings if the two are matched, regardless of how many search criteria and how many

programs are involved. Stated differently, Lemmons describes filtering the programs by the search criteria, and mapping the results accordingly *without any concern as to the relationship between the number of resulting programs and the number of search criteria used*. As such, Lemmons fails to teach or suggest the feature of *only* when the first number is greater than the second number, two or more block instances are mapped with the same information attributes as recited in claims 3 and 15. For at least this reason, claims 3 and 15 are independently distinguishable from Arsenault and Lemmons.

Claims 6-7, 12, 18-19, and 24 depend from claims 1, 13 and 25, respectively, and are allowable for at least the same reasons as their respective base claims, and further in view of the additional novel and non-obvious features recited therein. The addition of Lemmons011 fails to cure the deficiencies of Arsenault with respect to claims 1, 13 and 25. As such, even assuming, but not conceding that a combination of Arsenault and Lemmons011 is proper, such a combination fails to teach or suggest the features of claims 1, 13 and 25. Therefore, claims 6-7, 12, 18-19, and 24 are allowable over the cited combination of references.

Claims 8-9 and 20-21 depend from claims 1 and 13, respectively and are allowable for at least the same reasons as their respective base claims and further in view of the additional novel and non-obvious features recited therein. Neither Lemmons011 nor Ellis, alone or in combination, cures the deficiencies of Arsenault with respect to claims 1 and 13. As such, even assuming, but not conceding that a combination of Arsenault, Lemmons011, and Ellis is proper, such a combination fails to teach or suggest the features of claims 1 and 13. Therefore, claims 8-9 and 20-21 are allowable.

Claims 32 and 33 depend from claims 1 and 13, respectively, and are allowable for at least the same reasons as their respective base claims. None of Lemmons, Ellis, nor Finseth cures the deficiencies of Arsenault with respect to claims 1 and 13. As such, even assuming, but not conceding that a combination of Arsenault, Lemmons, Ellis, and Finseth is proper, such a combination fails to teach or suggest the features of claims 1 and 13. Accordingly, Applicant respectfully submits that claims 32 and 33 are patentably distinct from the cited combination of references in addition to the advantageous features recited therein.

For example, claims 32-33 recite, *inter alia*, at least two block instances are identical, further wherein the at least two identical block instances are mapped with the same information

attributes. Finseth merely describes that the program titles share the same organizational category (see e.g., Finseth, col. 12, line 53 – col 13, line 42) without any description of *identical block instances*. That is, Finseth fails to teach or suggest that the actual program titles are identical. Indeed, the program titles of Finseth are not identical (see e.g., FIG. 4 of Finseth). Stated differently, mere placement of *different* program titles within the *same* organization categories spatially adjacent to one another fails to constitute the feature of *at least two block instances are identical* as recited in claims 32 and 33. As such, claims 32 and 33 are allowable for this additional reason.

Claim 34 depends from claim 25 and is allowable for at least the same reasons as its base claim and further in view of the additional novel and non-obvious features recited therein. The addition of Finseth fails to cure the deficiencies of Arsenault with respect to claim 25. As such, even assuming, but not conceding that a combination of Arsenault and Finseth is proper, such a combination fails to teach or suggest the features of claim 25. Therefore, Applicant respectfully submits that claim 34 is allowable.

For example, claim 34 recites, *inter alia*, two or more block instances display *identical data elements*. For at least the reasons described above with respect to claims 32 and 33, Applicant respectfully submits that claim 34 is allowable over the cited combination of references cited by the Action.

### **New Claims**

Claims 35-40 have been added. No new matter has been added. Support for claims 35-40 can be found at least at paragraphs [0023-0028] of the printed publication, among other portions. Applicant respectfully submits that claims 35-40 are patentably distinct from the cited art at least because of their ultimate dependence on claims 1, 13 and 25, and in further view of the advantageous features recited therein.

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### **CONCLUSION**

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the examiner is requested to contact the undersigned at (202) 824-3000.

Respectfully submitted,  
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